

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JIMYRIA SHIELDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant,

and

JIMMY HOLMES,

Respondent.

UNPUBLISHED

May 16, 2006

No. 264750

Kent Circuit Court

Family Division

LC No. 04-051161-NA

In the Matter of ARKELE FISHER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant,

and

NEOMIAH DAVIS,

Respondent.

No. 264751

Kent Circuit Court

Family Division

LC No. 04-050739-NA

In the Matter of JOHNETTA SHIELDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant.

In the Matter of TYWON WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant,

and

GABBERT WILLIAMS,

Respondent.

In the Matter of DARELL SHIELDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant.

In the Matter of ARIEL SHIELDS, Minor.

No. 264752
Kent Circuit Court
Family Division
LC No. 04-050738-NA

No. 264753
Kent Circuit Court
Family Division
LC No. 04-050737-NA

No. 264754
Kent Circuit Court
Family Division
LC No. 04-050736-NA

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SIOBHAM SHIELDS,

Respondent-Appellant,

and

MARK CURTIS,

Respondent.

No. 264755

Kent Circuit Court

Family Division

LC No. 04-050735-NA

Before: Meter, P.J., and Hoekstra and Markey, JJ.

PER CURIAM

In these consolidated appeals, respondent Siobham Shields (“respondent”) appeals as of right from the trial court’s order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent’s history with Children’s Protective Services (“CPS”) included the 1998 removal of the three oldest children and a sibling named Scertia Johnson from respondent’s care because of deplorable housing conditions. When Johnetta tested positive for marijuana at birth, she was placed with the other children, who resided with their maternal grandfather. After the grandfather beat Scertia to death in 1999, and after respondent started to be consistent in obtaining treatment, the children were returned to respondent’s care. When Jimyria tested positive for marijuana and cocaine at birth, services were provided to the family through October 20, 2003. Then, on February 27, 2004, the current protective proceedings began after police raided respondent’s home on a suspicion of drug trafficking and found assorted drug paraphernalia there. In addition, respondent admitted to recent use of marijuana. A petition seeking the temporary custody of the children was filed and, after almost one and one-half years of inconsistent participation by respondent with services, her parental rights were terminated.

This Court reviews a trial court’s decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

With respect to subsection 19b(3)(c)(i), respondent argues that the conditions leading to the adjudication had been rectified by the time of the termination hearings because the family no longer lived in the home that had been raided and because respondent had not had a positive drug test since November 2004. However, even after respondent reengaged with treatment in November 2004, she still struggled with her drug use and psychological issues that impacted her ability to be a proper parent for the children and her ability to provide them with a stable home.

For example, although respondent consistently attended counseling and group sessions from November 2004 through February 2005, she attended only one counseling session from February 2005 through May 2005. Then, in the beginning of June 2005 (just one month before the conclusion of the termination hearing), respondent reengaged yet again and started attending biweekly counseling on a regular basis. Similarly, although respondent completed an intensive substance abuse program in January 2005, and although a hair follicle test completed in March 2005 was negative, she only returned five of the eight drug screens requested from her between December 2004 and May 2005.

The pertinent question was whether there was a reasonable likelihood that the conditions leading to adjudication would be rectified within a reasonable time considering the children's ages. See MCL 712A.19b(3)(c)(i). The trial court's finding that they would not was supported by clear and convincing evidence. A psychological evaluation of respondent prepared in April 2003 concluded that respondent was capable of "islands of time in which parenting possibly would work quite well" but that these improvements would not last if respondent was confronted with complex or stressful situations. Significantly, the evaluator speculated that it would take three to five years of successful behavior by respondent before he could feel that the threat of recidivism would considerably diminish. Similarly, the foster care caseworker expressed concern about respondent's inconsistent participation with services and estimated that it would take more than a year of consistent and stable behavior by respondent before the foster care worker would recommend reunification. Lastly, respondent's counselor wrote a letter in which she said that respondent had only just started addressing some of her major issues and needed to remain consistent in her treatment.

With regard to subsection 19b(3)(g), respondent argues that she was making good progress in following the Parent/Agency Agreement ("PAA") and, therefore, would be able to provide proper care and custody for the children within a reasonable time. Contrary to respondent's claim, the evidence presented showed that respondent still had a great deal of work to do before she could be considered compliant with the PAA. Although it is true that respondent was employed and had completed two sets of parenting classes, the resolution of other issues did not look promising. Those issues were significant and included respondent's psychological problems and substance abuse. In addition, respondent had not secured adequate housing. By the time of the termination hearings, the children ranged in ages from thirteen to three years of age, and many suffered from emotional and behavioral issues caused by the trauma in their childhoods. Providing proper care for them would necessitate consistent and stable parenting skills, and there was no reasonable expectation that respondent would master such skills within a reasonable time, given the children's ages.

The trial court's findings with regard to the statutory factors were supported by clear and convincing evidence.

Once there is clear and convincing evidence of at least one statutory ground for termination, the trial court "must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *In re Trejo*, *supra* at 356-357.

The trial court did not clearly err in finding that termination of respondent's parental rights was not contrary to the children's best interests. Both the foster care worker and the psychological evaluator felt that respondent would need to demonstrate an extended period of consistent participation in services and stable behavior before it could be concluded that she had successfully overcome her psychological problems and recidivist tendencies. Given that the children had already spent one and one half years as wards of the court (and this does not even include the time spent by the older children as court wards in prior protective proceedings), it was not reasonable to ask them to wait for another extended period of time. In addition, the evidence showed that the children had at one point accepted respondent's absence from visitation as "the norm" and that the oldest girl wished to be adopted; the bond between respondent and the children was not a particularly strong one. No error requiring reversal occurred.

Affirmed.

/s/ Patrick M. Meter

/s/ Joel P. Hoekstra

/s/ Jane E. Markey